

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Theodor Albert, Presiding  
Courtroom 5B Calendar**

**Wednesday, November 17, 2021**

**Hearing Room**

**5B**

1:30 PM

**8:00-000000**

**Chapter**

**#0.00    Hearings on this calendar will be conducted using ZoomGov video and audio.**

For information about appearing in person (or a hybrid hearing) please visit <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert>.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

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Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

**Video/audio web address:**

<https://cacb.zoomgov.com/j/1618969215>

**ZoomGov meeting number:**                    161 896 9215

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7666

**United States Bankruptcy Court  
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**Chapter**

For more information on appearing before Judge Albert by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Theodor C. Albert's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-theodor-c-albert> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

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**CONT...**

**Chapter**

Docket 0

**Tentative Ruling:**

- NONE LISTED -

**United States Bankruptcy Court  
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**8:20-12166 Stephen F. Sturm**

**Chapter 13**

**#1.00 Confirmation Of Chapter 13 Plan  
(cont'd from 9-15-21)**

Docket 2

**Tentative Ruling:**

Tentative for 11/17/21:  
Is there an agreement between debtor and Equity 1? Status?

Appearance: required

-----

Tentative for 9/15/21:  
Status? A compromise motion was expected.

-----

Tentative for 8/18/21:  
Status on secured claim?

-----

Tentative for 5/19/21:  
It would seem a further continuance is in order in view of Mr. Cook's illness.  
How long should the confirmation be postponed? What is the issue about  
debtor's counsel holding the mortgage payments?

-----

Tentative for 4/14/21:  
Continue to May 19, 2021 @ 1:30PM to accommodate mediation.

-----

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**CONT... Stephen F. Sturm**

**Chapter 13**

Tentative for 1/20/21:

See #27. There remains a fundamental, unanswered question. Does Cook have a secured claim and do the promised payments equal that interest in present value terms. The parties should consider mediation to resolve this. Continue.

-----

Tentative for 12/16/20:

The plan cannot be confirmed as filed for basic reasons. First, no treatment at all is described for the Cook secured claim, and treatment of all secured claims is a basic for plan confirmation. The fact that counsel has received some payments is not very persuasive. If there is to be an avoidance of the Cook claim, some reference to this must be made and described in the plan, but nothing appears. If allowance is made of the claim feasibility questions arise which also need to be addressed. Moreover, this is not a new case, so debtor should explain why dismissal is not indicated.

Deny. Appearance: required

-----

Tentative for 10/21/20:

The Equity 1 secured claim must be dealt with formally before a plan can be confirmed. The life estate reportedly owned by debtor must also be valued for "best interest" analysis as well. Appearance is required.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Stephen F. Sturm

Represented By  
Joseph A Weber

**Movant(s):**

Stephen F. Sturm

Represented By  
Joseph A Weber

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**CONT... Stephen F. Sturm**

**Chapter 13**

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court  
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**8:21-11581 Tiffany Michelle Freeman**

**Chapter 13**

**#2.00 Confirmation Of Chapter 13 Plan  
(cont'd from 10-20-21)**

Docket 2

**Tentative Ruling:**

Tentative for 11/17/21:  
Is this a 100% plan?

-----

Tentative for 10/20/21:  
It looks as though the Wells Fargo auto claim is properly provided for, and the court sees no other objection to the amended plan. Confirm.

-----

Tentative for 9/15/21:  
Arrears and student loan suggest that plan is infeasible. Status?

<b>Party Information</b>
--------------------------

**Debtor(s):**

Tiffany Michelle Freeman

Represented By  
Sara E Razavi

**Movant(s):**

Tiffany Michelle Freeman

Represented By  
Sara E Razavi

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:21-11611 Mac Dilani**

**Chapter 13**

**#3.00 Confirmation Of Chapter 13 Plan  
(cont'd from 9-15-21)**

Docket 2

**Tentative Ruling:**

Tentative for 11/17/21:

Status of the 522(f) motion in reopened Chapter 7? Respond to trustee's point about unaddressed claims.

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Tentative for 9/15/21:

Apparently there was an effort to reopen previous case for purposes of avoiding liens, which must be dealt with as this plan does not provide for them. Status?

<b>Party Information</b>
--------------------------

**Debtor(s):**

Mac Dilani

Represented By  
Joseph A Weber  
Fritz J Firman

**Movant(s):**

Mac Dilani

Represented By  
Joseph A Weber  
Joseph A Weber  
Fritz J Firman  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:21-11999 Wei-Hsiung William Cheng**

**Chapter 13**

**#4.00 Confirmation Of Chapter 13 Plan  
(cont'd from 10-20-21)**

Docket 19

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - CASE DISMISSED -  
ORDER AND NOTICE OF DISMISSAL ARISING FROM DEBTOR'S  
REQUEST FOR VOLUNTARY DISMISSAL OF CHAPTER 13 ENTERED  
11-15-21**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Wei-Hsiung William Cheng

Represented By  
Stephen L Burton

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:21-12089    Demetris Andell Blackman**

**Chapter 13**

**#5.00    Confirmation Of Chapter 13 Plan**

Docket      2

**Tentative Ruling:**

Tentative for 11/17/21:  
Can the missing payment be made?

<b>Party Information</b>
--------------------------

**Debtor(s):**

Demetris Andell Blackman

Represented By  
Gregory M Shanfeld

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:21-12166 John Jacob Prunchak**

**Chapter 13**

**#6.00 Confirmation Of Chapter 13 Plan**

Docket 0

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - CASE DISMISSED -  
ORDER AND NOTICE OF DISMISSAL FOR FAILURE TO FILE  
SCHEDULES, STATEMENTS AND/OR PLAN ENTERED 9-20-21**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

John Jacob Prunchak

Represented By  
Krystina T Tran

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:21-12191 Luther Eugene Secrest**

**Chapter 13**

**#7.00 Confirmation Of Chapter 13 Plan**

Docket 0

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - CASE DISMISSED -  
ORDER AND NOTICE OF DISMISSAL FOR FAILURE TO FILE  
SCHEDULES, STATEMENTS AND/OR PLAN ENTERED 9-27-21**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Luther Eugene Secrest

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:21-12212 Kimberly Davis Mason**

**Chapter 13**

**#8.00 Confirmation Of Chapter 13 Plan**

Docket 2

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Kimberly Davis Mason

Represented By  
Christopher J Langley

**Movant(s):**

Kimberly Davis Mason

Represented By  
Christopher J Langley

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:21-12219 Linda Johnson**

**Chapter 13**

**#9.00 Confirmation Of Chapter 13 Plan**

Docket 13

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Linda Johnson

Represented By  
Amanda G. Billyard

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:21-12223    Rafael Garcia**

**Chapter 13**

**#10.00    Confirmation Of 1st Amended Chapter 13 Plan**

Docket      8

**Tentative Ruling:**

Tentative for 11/17/21:

The various objections must be dealt with in an amended plan, absent compelling explanation.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Rafael Garcia

Represented By  
Julie J Villalobos

**Movant(s):**

Rafael Garcia

Represented By  
Julie J Villalobos

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:21-12236 Jon Bowlus Forrest**

**Chapter 13**

**#11.00 Confirmation Of Chapter 13 Plan**

Docket 0

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - CASE DISMISSED -  
ORDER AND NOTICE OF DISMISSAL FOR FAILURE TO FILE  
SCHEDULES, STATEMENTS AND/OR PLAN ENTERED 10-04-21**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jon Bowlus Forrest

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:21-12243 Jeffrey Pipp Bauman**

**Chapter 13**

**#12.00 Confirmation Of Chapter 13 Plan**

Docket 0

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - ORDER AND NOTICE  
OF DISMISSAL FOR FAILURE TO SCHEDULES, STATEMENTS,  
AND/OR PLAN ENTERED 10-25-21**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Jeffrey Pipp Bauman

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:21-12264 Paul Andrew Johnson**

**Chapter 13**

**#13.00 Confirmation Of Chapter 13 Plan**

Docket 17

**Tentative Ruling:**

Tentative for 11/17/21:  
The various objections must be addressed.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Paul Andrew Johnson

Pro Se

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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3:00 PM

**8:16-13679 Timothy Dale Cox and Diane Gloria Cox**

**Chapter 13**

**#14.00** Trustee's Motion to Dismiss Case Failure To Make Plan Payments.  
**(cont'd from 9-15-21)**

Docket 117

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - NOTICE OF  
WITHDRAWAL OF TRUSTEE'S MOTION FOR ORDER DISMISSING  
CHAPTER 13 FILED 11-15-21**

**Tentative Ruling:**

Tentative for 9/15/21:  
Grant unless current.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Timothy Dale Cox

Represented By  
Thomas E Brownfield

**Joint Debtor(s):**

Diane Gloria Cox

Represented By  
Thomas E Brownfield

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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3:00 PM

**8:16-14382    Guy A. Rojo and Eva P. Rojo**

**Chapter 13**

**#15.00    Trustee's Motion To Dismiss Case Failure To Make Plan Payments**

Docket        165

**\*\*\* VACATED \*\*\*    REASON: OFF CALENDAR - NOTICE OF  
WITHDRAWAL OF TRUSTEE'S MOTION FOR ORDER DISMISSING  
CHAPTER 13 FILED 9-13-21**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Guy A. Rojo

Represented By  
Joseph A Weber  
Fritz J Firman

**Joint Debtor(s):**

Eva P. Rojo

Represented By  
Joseph A Weber  
Fritz J Firman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:17-10907 Miguel Medina**

**Chapter 13**

**#16.00** Trustee's Motion to Dismiss Case

Docket 75

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - NOTICE OF  
WITHDRAWAL OF TRUSTEE'S MOTION FOR ORDER DISMISSING  
CHAPTER 13 FILED 11-15-21**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Miguel Medina

Represented By  
Amanda G. Billyard  
Andy C Warshaw

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:18-10521 April D. Quinn**

**Chapter 13**

**#17.00** Trustee's Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 44

**Tentative Ruling:**

Tentative for 11/17/21:  
Grant.

<b>Party Information</b>
--------------------------

**Debtor(s):**

April D. Quinn

Represented By  
Kelly H. Zinser

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:18-14071 Victor Arreola and Cindy Morelos Arreola**

**Chapter 13**

**#18.00 Trustee's Motion To Dismiss Case Failure To Make Plan Payments.  
(cont'd from 10-20-21)**

Docket 107

**Tentative Ruling:**

Tentative for 11/17/21:  
Grant unless current or modification on file.

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Tentative for 10/20/21:  
Grant absent current status or modification motion on file.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Victor Arreola

Represented By  
Christopher J Langley  
Michael Smith

**Joint Debtor(s):**

Cindy Morelos Arreola

Represented By  
Christopher J Langley  
Michael Smith

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:19-11810 Helen Ojeda**

**Chapter 13**

**#19.00** Trustee's Motion to Dismiss Case Failure To Make Plan Payments.  
**(cont'd from 10-20-21)**

Docket 68

**Tentative Ruling:**

Tentative for 11/17/21:  
Status?

-----

Tentative for 10/20/21:  
See #17.

-----

Tentative for 9/15/21:  
Where do we stand in view of modification motion filed August 11?

-----

Tentative for 8/18/21:  
Continue to allow hearing on modification filed August 11.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Helen Ojeda

Represented By  
Anerio V Altman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:19-11810 Helen Ojeda**

**Chapter 13**

**#20.00** Motion Under Local Bankruptcy Rule 3015-1 (n) And (w) To Modify Plan Or  
Suspend Plan Payments  
**(cont'd from 10-20-21)**

Docket 76

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - NOTICE OF  
WITHDRAWAL OF MOTION TO MODIFY PLAN FILED AS DOCKET  
#76 FILED 11-16-21**

**Tentative Ruling:**

Tentative for 10/20/21:  
Debtor must respond to Trustee's objections.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Helen Ojeda

Represented By  
Anerio V Altman

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:19-12712 Susan Zimmer**

**Chapter 13**

**#21.00** Trustee's Verified Motion to Dismiss Case Due to Material Default of a Plan Provision

Docket 50

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - NOTICE OF  
VOLUNTARY DISMISSAL OF MOTION FILED 10-05-21**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Susan Zimmer

Represented By  
Arash Shirdel

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:19-14502 Andy T. Torres**

**Chapter 13**

**#22.00** Trustee's Motion to Dismiss Case failure to make plan payments  
(cont'd from 9-15-21)

Docket 99

**Tentative Ruling:**

Tentative for 11/17/21:  
Grant unless current or modification motion on file.

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Tentative for 9/15/21:  
Grant unless current or motion to modify on file.

-----

Tentative for 8/18/21:  
Grant absent current status or modification motion on file.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Andy T. Torres

Represented By  
Richard G Heston

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:20-11512 Linda V Barnes**

**Chapter 13**

**#23.00** Trustee's Motion to Dismiss Case Failure To Make Plan Payments.

Docket 28

**\*\*\* VACATED \*\*\* REASON: OFF CALENDAR - NOTICE THAT THE  
CASE HAS BEEN CONVERTED TO CHAPTER 7 FROM CHAPTER 13  
ON 11-10-21**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
--------------------------

**Debtor(s):**

Linda V Barnes

Represented By  
Sunita N Sood

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:21-10585 Cynthia Olivia Bell**

**Chapter 13**

**#24.00** Trustee's Motion To Dismiss Case Failure To Make Plan Payments.

Docket 26

**Tentative Ruling:**

Tentative for 11/17/21:  
Grant.

<b>Party Information</b>
--------------------------

**Debtor(s):**

Cynthia Olivia Bell

Represented By  
Raymond J Seo

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se

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**8:16-12742 David Wayne Horstman and Judy Rosemary Horstman**

**Chapter 13**

**#25.00 Trustee's Motion To Dismiss Case Due To Material Default Of A Plan Provision  
(cont'd from 9-15-21)**

Docket 59

**Tentative Ruling:**

Tentative for 11/17/21:  
See #26.

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Tentative for 9/15/21:  
See #14.

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Tentative for 8/18/21:  
See #17.

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Tentative for 7/28/21:  
See #19.

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Tentative for 5/19/21:  
See #17.1

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Tentative for 4/14/21:  
Is this moot depending on result of modification motion filed March 9?

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**CONT... David Wayne Horstman and Judy Rosemary Horstman**

**Chapter 13**

Tentative for 3/17/21:

Grant unless feasibility issue cured or modification motion on file.

<b>Party Information</b>
--------------------------

**Debtor(s):**

David Wayne Horstman

Represented By  
Michael Jones  
Sara Tidd

**Joint Debtor(s):**

Judy Rosemary Horstman

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Amrane (SA) Cohen (TR)

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**8:16-12742 David Wayne Horstman and Judy Rosemary Horstman**

**Chapter 13**

**#26.00 EVIDENTIARY HEARING RE: Motion Under Local Bankruptcy Rule 3015-1 (n)  
And (w) To Modify Plan Or Suspend Plan Payments  
(cont'd from 9-15-21)**

Docket 68

**Tentative Ruling:**

Tentative for 11/17/21:  
No tentative, evidentiary hearing.

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Tentative for 9/15/21:

The trustee has made a compromise proposal, which might persuade the court, but we have no indication debtors are willing to amend as suggested. The major problem is the impact of the best interests test, which in turn depends on the home valuation. At Ascentium's number this should go a long way to paying creditors, and if the debtor could match this amount over time? Debtors have not placed themselves in the best light having unilaterally taken the tax refunds promised under the plan. Then there is the question of whether the court should covert the case instead; does Ascentium acknowledge debtors right to so do?

No tentative.

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Tentative for 8/18/21:  
See ## 17 and 18.

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Tentative for 7/28/21:

The objections of Ascentium and the trustee are both well taken. Of paramount concern is the best interest of creditors' test. It appears that there

**United States Bankruptcy Court  
Central District of California  
Santa Ana  
Judge Theodor Albert, Presiding  
Courtroom 5B Calendar**

**Wednesday, November 17, 2021**

**Hearing Room**

**5B**

3:00 PM

**CONT... David Wayne Horstman and Judy Rosemary Horstman**

**Chapter 13**

may be equity sufficient to pay creditors in full from the residence, but no argument is given why a plan allowing a discount should be confirmed notwithstanding. Debtor asserts without any authority cited that the best interest test is timed as of the petition date, not the modification date. A dubious theory in the court's view. Of similar concern is the proposed absence of tax refunds, made even more problematic given the missing return. "TBD" for creditor recovery is not adequate under these circumstances.

Deny

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Tentative for 5/19/21:

Several serious issues are raised as mentioned by both the Trustee and Ascentium. Why should the debtors be excused from turning over tax refunds when they do not propose 100% payment?

<b>Party Information</b>
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**Debtor(s):**

David Wayne Horstman

Represented By  
Michael Jones  
Sara Tidd

**Joint Debtor(s):**

Judy Rosemary Horstman

Represented By  
Michael Jones  
Sara Tidd

**Trustee(s):**

Amrane (SA) Cohen (TR)

Pro Se